

City of Bloomington, Indiana Housing and Neighborhood Development Department



Policies and Procedures Manual

Community Development Block Grant

HOME Investment Partnership Program

Bloomington Housing Trust Fund

City of Bloomington, Indiana
Housing and Neighborhood Development Department
P. O. Box 100, 401 North Morton Street
Bloomington, IN 47402
(812) 349-3401
www.bloomington.in.gov/hand

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Introduction

The City of Bloomington, Indiana, administers two main sources of funding from the Housing and Urban Development (HUD) Department's Housing and Community Development Program; Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME). In addition, the HAND Department provides staffing assistance for the Bloomington Housing Trust Fund.

This manual sets forth policies and procedures for administration of programs and projects funded by the City of Bloomington. CDBG and HOME are governed by complex and involved federal regulations and policies, but this manual will summarize the major elements for proper program operations.

The Consolidated Plan is the City's five year strategic plan which identifies the City's overall needs for affordable housing, community development, economic development, homeless services and services to persons with special needs. The City of Bloomington's Consolidated Plan can be found at http://bloomington.in.gov/documents/viewDocument.php?document_id=4818. Each year, HUD requires the City to file an Annual Action Plan outlining the activities to be undertaken for that year. Those plans can be found at http://bloomington.in.gov/sections/viewSection.php?section_id=233. In addition, HUD requires that the City file a Comprehensive Annual Performance Evaluation Report outlining the activities accomplished for the past fiscal year. Those reports can be found with the Annual Action Plans.

Tips for making the process smoother:

1. Learn the process and requirements. Start by reading this manual. To avoid unnecessary missteps that might cause you delays, you need to understand the various processes and application pathways.
2. Read your agreements and contracts. The details and requirements of your specific project are outlined in your agreements and contracts. You must know your obligations to avoid complications.
3. Submit forms, reports and requested data in a timely manner. You report to HAND. We report to HUD. It is important that we are able to report to HUD in a timely manner. And, it is important to close out your project as soon as possible in order to start your compliance period. We cannot close out your project until we have all of the required information.
4. Attend training sessions. HAND hosts informational and training sessions for CDBG. It is important for the person who is actually writing the application and will handle the project to attend the meeting.
5. Familiarize yourself with the federal requirements. Ask us questions. We want to help. We know the federal requirements are complicated. It is easier on everyone to understand what is required up front.

This manual is not intended to be all inclusive nor so restrictive that it cannot be amended. For more information, contact the City of Bloomington, Housing and Neighborhood Development Department, 401 N. Morton, Suite 130, PO Box 100, Bloomington, Indiana 47402. Telephone: (812) 349-3401. Fax: (812) 349-3582. Website: www.bloomington.in.gov/hand. Email: HAND@bloomington.in.gov.

Community Development Block Grant

A. CDBG National Objectives and Eligible Activity Categories

HUD awards grants to entitlement community grantees to carry out a wide range of community development activities directed toward revitalizing neighborhoods, economic development, and providing improved community facilities and services. The City of Bloomington is an entitlement community and receives an annual allocation of Community Development Block Grant funds to implement to solve local problems that meet a national objective as defined by HUD.

CDBG funds are used to achieve one of the following national objectives:

1. To benefit low- and moderate income persons.
2. To prevent or eliminate slums or blight.
3. To meet urgent needs.

Eligible activities include:

- acquisition of real property;
- relocation and demolition;
- rehabilitation of residential and non-residential structures;
- construction of public facilities and improvements, such as water and sewer facilities, streets, neighborhood centers, and the conversion of school buildings for eligible purposes;
- public services, within certain limits;
- activities relating to energy conservation and renewable energy resources; and
- provision of assistance to profit-motivated businesses to carry out economic development and job creation/retention activities.

B. Application Process

In order to achieve the national objectives, the City of Bloomington allocates CDBG funds on an application basis each year. A Subrecipient is a public or private nonprofit agency, authority or organization that receives CDBG funds to undertake eligible activities. Subrecipients can apply for either physical improvement projects (example: acquisition, construction, rehabilitation, etc.) or public service funding. Unless otherwise noted, “Subrecipient” will be used throughout this manual to denote all entities receiving CDBG funds.

1. Applications

Applications are released every year in late August or early September and are available on the City's website. Notice of the release of applications is printed in the Bloomington Herald-Times. Individual notices are NOT sent to agencies. Subrecipients can apply for physical improvement funding, public service funding or both. Only one application will be accepted from a Subrecipient for each funding type. Information regarding required letters of intent, funding maximums or minimums, mandatory training, site visits and application deadlines are updated annually when the applications are released and can be found on the HAND's website.

2. Requirements to note:

1. Agencies must have an approved Affirmative Action Plan on file with the City of Bloomington's Human Rights Division at 812-349-3429 prior to application.
2. Agencies must adhere to the City of Bloomington's Living Wage ordinance. If you have questions regarding the Living Wage ordinance, contact either Bob Woolford or Marilyn Patterson at 812-349-3401.
3. Applications must include the agency's DUNS number.

3. Citizens Advisory Council

Allocation recommendations are made by the Citizens Advisory Council (CAC). The Citizens Advisory Council is made up of two (2) members of the Redevelopment Commission, two (2) members from the Community & Family Resource Commission, (2) members of the Common Council and appointees by the Mayor. The CAC reviews all applications; host a public hearing for each funding type, and makes allocation recommendations. Those recommendations are approved by the Redevelopment Commission (public meeting), the Mayor, and finally the City Council (public meetings).

4. Funding Agreements

Funding agreements are approved by the Redevelopment Commission at a public meeting following the receipt of annual contracts from HUD. Funding Agreements will outline the funding amounts, scope of services, expected service numbers, reporting requirements, and other obligations. It is the responsibility of the Agency to read and understand all elements of the Funding Agreement.

C. Annual Action Plan

The Annual Action Plan is written after the CDBG approval process is complete. The Plan will include goals outlined in the applications and funding agreements. The Plan is posted for public comment. Notice is printed in the Bloomington Herald-Times. Copies of the plan are available on the HAND website (www.bloomington.in.gov/hand), in the HAND Office at 401 N. Morton, Suite 130, and in the Indiana Room at the Monroe County Public Library.

D. Comprehensive Annual Performance Evaluation Report (CAPER)

The Comprehensive Annual Performance Evaluation Report (CAPER) is written after the completion of the fiscal year on May 31st. The CAPER will include the achievements of all of the CDBG recipients as obtained from their required reports and monitoring. The CAPER is posted for public comment. Notice is printed in the Bloomington Herald-Times. Copies of the CAPER are available on the HAND website (www.bloomington.in.gov/hand), in the HAND Office at 401 N. Morton, Suite 130, and in the Indiana Room at the Monroe County Public Library.

HOME Investment Partnership Program

A. HOME Objectives and Eligible Activities

The National Affordable Housing Act of 1990 created the HOME Investment Partnership Program. This federal program is designed to strengthen public-private partnerships and to expand the supply of decent, safe, sanitary, and affordable housing.

HOME funds are used to achieve the following objectives:

- To provide decent affordable housing to lower-income households.
- To expand the capacity of non-profit housing providers.
- To strengthen the ability of state and local governments to provide housing.
- To leverage private sector participation.

Eligible activities are defined in accordance with the following categories:

- Housing rehabilitation.
- Homebuyer activities.
- Rental housing activities.
- Tenant-based Rental Assistance (TBRA).

Individual households, non-profit and for-profit developers may apply for HOME funding.

B. Application Process

HAND accepts applications on a year-round basis for projects that address the stated objectives and are for eligible activities.

4. Individual households can apply for Owner-Occupied Rehabilitation Loans (Attachment A), Purchase-Rehabilitation Conditional Loans (Attachment B), and Down Payment & Closing Cost Conditional Loans (Attachment C). Guidelines for those individual programs following this manual. Process for Individual Households:
 - a. Applications can be found on-line at http://bloomington.in.gov/documents/viewDocument.php?document_id=1253.
 - b. Households must meet current HUD income guidelines which can be found at <http://bloomington.in.gov/media/media/application/pdf/9712.pdf>
 - c. If HAND determines the household to be eligible, an inspector will come out to do an assessment of the house. This assessment will include code related items, energy efficiency, lead based paint, etc. A Section 106 Review (Environmental Review) will also be conducted by staff.
 - d. The write up from the assessment will be sent to approved bidders for pricing. Acceptable bids will be reviewed with the household.
 - e. Approved projects will be sent a Partnership Agreement to sign. See Required Agreements in Section F below.
5. Process for Non-profit and For-profit Developers:
 - a. Applications can be obtained from HAND Department Staff.
 - b. HOME requires that 15% of the City's annual allocation be set aside for Community Housing Development Organizations (CHDO). A CHDO is a private non-profit organization that's mission includes providing decent housing that is affordable to low- and moderate income persons as evidenced in its charter, articles of incorporation, resolutions or by-laws. The CHDO "qualifications checklist" are outlined below. If a non-profit developer would like to be a CHDO, they must fill out a CHDO application and submit it with all required documents.
 - c. If the City of Bloomington accepts your proposal, a Letter of Commitment will be sent to the applicant. This Letter of Commitment only states that the City of Bloomington is interested in pursuing the project should it meet all of the requirement elements. This is not a notice to proceed and the City will not be

held responsible for any work completed prior to the execution of the required agreements as defined in Section F below.

C. Environmental Review (Non-profit & For-Profit Developers)

The City of Bloomington cannot commit or expend funds until environmental clearance has been achieved. Individual households' environmental review (Section 106) will be completed in-house with the application. For non-profit or for-profit developers, it is imperative that the environmental review process start as soon as possible. The length of time to complete an environmental review will depend on the type of project, the specific property and any potential testing times. In order to expedite the process, please note the following steps:

1. Identify the project type:
 - a. Define your HAND funding request – is it acquisition of land, construction money, infrastructure.
 - b. Is the project new construction, reconstruction, rehabilitation?
 - c. Provide number of units.
 - d. Will this project require Planning approval?
2. Define the scope of the project:
 - a. Provide a map of the area. This can be a GIS map.
 - b. Provide a legal description if possible or a copy of the Deed.
3. Other helpful information:
 - a. Provide copies of any other environmental studies that have been completed.
 - b. Provide copies of title work if available.

HAND will determine the level of review, submit documents to applicable agencies, review comments from those agencies, make the environmental determination and the appropriate public notice. Once the review is complete, HAND can move forward with funding agreements and funding commitments.

D. Affirmative Marketing

Developers must adopt affirmative marketing procedures and requirements for all housing with five or more HOME assisted units. Those procedures must include:

- Methods for informing the public, owners and potential tenants about fair housing laws and the City non-discrimination requirements. Developers must use the Fair Housing logo or equal opportunity language.
- A description of what owners will do to affirmatively market housing assisted with HOME funds.
- A description of what owners will do to inform persons not likely to apply for housing without special outreach.
- Maintain records to document actions taken to affirmatively market HOME assisted units and to assess marketing effectiveness.

- A description of how efforts will be assessed and corrective action taken, if necessary, where requirements are not met.

E. CHDO Requirements

Organizations must meet the following criteria to qualify as CHDO:

1. Must be organized under state/local law;
2. Have a purpose/mission to provide decent housing that is affordable to low- and moderate-income persons/households. This must be evidenced in the organization's charter, articles of incorporation, by-laws or a resolution by the board of directors;
3. No part of the organization's earnings may benefit any members, founders, contributors or individuals;
4. Must have a clearly defined services area;
5. Must have received tax-exempt status from the IRS under Section 501 (c) of the Internal Revenue code of 1986.
6. Must have a board composition that is at least one-third representatives of the low-income community and no more than one-third may be public officials; and
7. Must have demonstrated that it has at least one year of experience serving the community where it intends to develop the HOME assisted housing.

For more information on CHDOs, contact Doris Sims, Assistant Director, Housing and Neighborhood Development at 812-349-3401.

F. Required Agreements

Every HOME funded project will be required to have written agreements outlining the responsibilities of the individual parties. It is the responsibility of the person to thoroughly read and understand all elements of the agreements. Those agreements can include:

1. Partnership Agreement – This agreement must be executed before the City of Bloomington commits or disburses any funds for the project. This agreement will include, but not be limited to, the following:
 - a. Activities to be carried out;
 - b. How they are funded; and
 - c. Responsibilities and options of the parties.
2. Mortgage – The mortgage evidences the funding for the project using the property as collateral. This document will have an amount that may not be exceeded when completing the project. Depending on the program, the mortgage may or may not be released upon completion as defined in the Partnership Agreement and Promissory Note.

3. Promissory Note – The Promissory Note is a promise of the City of Bloomington’s to pay a certain amount of funding for a project and the mortgagee’s promise to meet the conditions outlined in the Mortgage and Note.
4. Affordability Covenants – Affordability Covenants may be required for some projects as defined by HUD. The Affordability Covenants specifies that the property will remain affordable by setting certain terms and conditions related to its long-term use. The Affordability Covenants cannot be released until the terms outlined in them have been met. The length of time that the Covenants will be in place is defined by the program and the amount invested in the project.

Upon execution of the Required Agreements, funds will be committed and may be disbursed for projects.

Housing Trust Fund

A. Objectives and Eligible Activities

The Bloomington Housing Trust Fund was established in 1995 by Mayor Tomilea Allison. The fund was established through the Bloomington Community Foundation. The purpose of the Housing Trust Fund is to provide financing for the creation and preservation of affordable housing for the low-income population of the community through acquisition of land and structures, and the construction and rehabilitation of affordable housing.

B. Application Process

The Bloomington Housing Trust Fund Advisory Board meets on an as-needed basis to review loan and grant applications. Interested parties should contact Doris Sims at 812-349-3401 for more information on how to apply.

General Requirements

A. Disbursement of Funds

The City of Bloomington must follow disbursement procedures that are required by the State Board of Accounts as well as HUD. Please note the following:

1. Process for Individual Households Projects:
 - a. Inspectors will be on-site during the project to monitor the work completed. Written assessments of those inspections will be reviewed

- with the household/contractor and placed in the file. A copy of the assessment form is attached to Manual and marked as Exhibit J. Additional documentation regarding costs incurred may be requested by the inspector and added to the file.
- b. Claims for payment can be submitted by the contractor every other week in accordance with the claims scheduled posted by the City of Bloomington's Controller's Office.
2. Process for Developer Projects:
- a. Inspectors will be on-site during the project to monitor the work completed. Written assessments of those inspections will be reviewed with the developer and placed in the file. A copy of the assessment form is attached to Manual and marked as Exhibit J. Additional documentation regarding costs incurred may be requested by the inspector and added to the file.
 - b. Claims for payment can be submitted by the developer every other week in accordance with the claims scheduled posted by the City of Bloomington's Controller's Office.
3. Process for CDBG Social Service Providers:
- a. Reports and forms as required by the Funding Agreement must be filed with HAND to request payment. Additional documentation regarding costs incurred may be requested by the HAND program manager and added to the file.
 - b. Claims for payment can be submitted by the Social Service Provider every other week in accordance with the claims scheduled posted by the City of Bloomington's Controller's Office.
4. Process for CDBG Physical Improvement Projects:
- a. Inspectors will be on-site during the project to monitor the work completed. Written assessments of those inspections will be reviewed with the project manager and placed in the file. A copy of the assessment form is attached to Manual and marked as Exhibit *. Additional documentation regarding costs incurred may be requested by the inspector and added to the file.
 - b. Claims for payment can be submitted by the project manager every other week in accordance with the claims scheduled posted by the City of Bloomington's Controller's Office.

B. Financial Audit

All subrecipients receiving CDBG or non-profit developers receiving HOME funds will be required to have an audit of all Federal funds received from all sources, unless exempted in writing. The audits are to be performed in compliance with OMB Circular A-133. The audits must comply in all respects with the generally accepted auditing standards of the American Institute of Certified Public Accountants.

Copies of audits must be provided to HAND prior to the execution of the CDBG Funding Agreement or the HOME Partnership Agreement.

For-profit developers may be required to provide tax returns, financial statements or other documentation showing financial stability in addition to any documentation required by the application upon request.

C. Procurement Procedures

If you intend to use CDBG or HOME dollars to acquire items or services not expressly outlined in your application, please contact Bob Woolford for instructions at 812-349-3401.

Please note that HOME funds may not be used to directly or indirectly employ, award contracts to or otherwise engage the services of any contractor or subrecipient during any period of debarment, suspension or placement of ineligibility status. Please contact Bob Woolford at 812.349.3401 if you have questions regarding any contractor's or subrecipient's status.

D. Non-Discrimination and Equal Access

The City of Bloomington requires all program participants to adhere to Bloomington Municipal Code 2.21.020 that states "It is the policy of the city that it does not discriminate in the provision or implementation of its programs and services on the basis of race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, or disability. It is the public policy of the city to provide all citizens equal opportunity for education, employment, access to public accommodations and acquisition through purchase or rental of real property, including, but not limited to, housing, and to eliminate segregation or separation based on race, religion, color, sex, national origin, ancestry, sexual orientation, gender identity, or disability, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property are hereby declared to be civil rights."

In addition, all program participants must comply with all of the Federal laws, executive orders and regulations pertaining to fair housing and equal opportunity. They are: 1) Title VI of the Civil Rights Act of 1964, As Amended; 2) The Fair Housing Act; 3) Equal Opportunity in Housing (Executive Order 11063, as amended by Executive Order 12259); and Age Discrimination Act of 1975, As Amended.

E. Handicapped Accessibility

Program participants who received CDBG or HOME funds must adhere to regulations governing the accessibility of federally assisted buildings, facilities and programs. Those include:

1. Americans with Disabilities Act – Provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, state and local government services and telecommunications. The Act (ADA) states that discrimination includes failure to design and construct facilities that are accessible to and usable by persons with disabilities. ADA also requires the removal of architectural and communication barriers that are structural in nature in existing facilities. For more information, contact the City of Bloomington Human Rights Division at 812-349-3429.
2. Fair Housing Act – Multi-family dwellings must also meet the design and construction requirements at 24 CFR 100.205 which implement the Fair Housing Act.
3. Section 504 – This Act prohibits discrimination in federally assisted programs on the basis of handicap. Specific requirements for the removal of physical barriers include:
 - a. For new construction of multi-family projects, at least 5% of the units in the project, but not less than one unit, must be accessible to individuals with mobility impairments, and an additional 2% of the units, but not less than one unit, must be accessible to individuals with sensory impairments.
 - b. For substantial rehabilitation of multi-family projects includes construction in a project with 15 or more units for which the rehabilitation costs will be 75% or more of the replacement cost. In such developments, at least 5% of the units in the project, but not less than one unit, must be accessible to individuals with mobility impairments, and an additional 2% of the units, but not less than one unit, must be accessible to individuals with sensory impairments.
 - c. For less extensive rehabilitation projects, alternations must, to the maximum extent feasible, make the unit accessible to and usable by individuals with handicaps until at least 5% of the units are accessible to people with mobility impairments. Alternations to common spaces must, to the maximum extent feasible, make the project accessible.
 - d. Accessible units must be, to the extent feasible, distributed throughout the project and sites and must be available in a sufficient range of sizes and amenities so as to not limit choice.

Owners and managers of projects with accessible units must adopt suitable means to assure that information regarding the availability of accessible units reaches eligible individuals and households with individuals with handicaps. They must also take reasonable non-discriminatory steps to maximize use of such units by eligible individuals.

- e. When an accessible unit becomes vacant, before offering the unit to a non-handicapped individual, the owner/manager should offer the unit: 1) to a current occupant of the project requiring the accessibility features; and 2) to an eligible qualified applicant on the waiting list (if applicable) requiring the accessibility features.

Specific requirements for providing program accessibility include:

- a. Individuals with handicaps must be able to find out about, apply for and participate in federally assisted programs or activities.
- b. Special communication systems may be needed for outreach and ongoing communication (i.e. telecommunication devices for the deaf such as TDD, materials on tape or in Braille, accessible locations for activities & meetings, etc.).
- c. Policies and procedures must be non-discriminatory (i.e. housing providers may not ask people with handicaps questions not asked of all applicants, screen individuals with handicaps differently or assess an individual's ability to live independently).

F. Employment and Contracting

The City of Bloomington requires that all program participants comply with the laws governing Equal Employment Opportunity including the Equal Employment Opportunity, Executive Order 11246 and Section 3 of the Housing and Urban Development Act of 1968. Please note that Section 3 requires, to the greatest extent feasible, opportunities for training and employment arising from HOME will be provided to low-income persons residing in the program service area. For questions regarding Section 3, please contact Bob Woolford at 812-349-3401.

Program participants must also comply with certain regulations on wage and labor standards. Please contact Bob Woolford at 812-349-3401 for questions regarding these standards.

G. Relocation

Due to the complexity of the Uniform Relocation Action, if you are considering a project that may require relocation of individuals or households, please contact Bob Woolford at 812-349-3401 to schedule an appointment.

H. Opportunities for Women Owned and Minority Owned Businesses

Program participants must make every feasible effort to contact minority owned and women owned business enterprises to respond to initiations to bid. In addition, all program participants must submit a Minority Business Report, marked as Attachment K, to the City of Bloomington to report the number of minority and women owned businesses that worked on projects federally funded projects.

Program Guidelines

Individual program guidelines are attached hereto:

- Acquisition/Rehabilitation Program, Attachment D
- Emergency Home Repair/Utility Service Program, Attachment E
- Furnace & Insulation Program, Attachment F
- Home Buyers Education Down Payment and Closing Cost Assistance Program, Attachment C
- Home Modification for Accessible Living, Attachment G
- HOME New Construction Rental Program, Attachment H
- HOME Rental Rehabilitation Program, Attachment I
- Minority Business Report, Attachment K
- Owner-Occupied Rehabilitation Loan Program, Attachment A
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- Rehab Assessment Form-Site Visit Report, Attachment J